

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST**

FMS INVESTMENT CORP., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	
)	Case Nos. 18-204C <i>et al.</i>
THE UNITED STATES,)	
)	Judge Thomas C. Wheeler
Defendant,)	
)	
and)	
)	
PERFORMANT RECOVERY, INC., <i>et al.</i> ,)	
)	
Defendant-Intervenors.)	
)	

**PLAINTIFF VALUE RECOVERY HOLDING, LLC
RESPONSE TO THE COURT’S MAY 7, 2018 ORDER**

On May 7, 2018, the Government filed a motion to dismiss these consolidated protests under Rule 12(b)(1) of the Rules of the United States Court of Federal Claims. The Government’s motion argues that its decision to cancel the solicitation at issue in these consolidated bid protests and to terminate for convenience its awards to Windham Professionals, Inc. and Performant Recovery, Inc. render these protests moot. *See* Dkt. No. 189. Subsequently on May 7, 2018, the Court ordered all parties in this litigation to file a notice with the Court on or before Friday, May 11, 2018, indicating whether they plan to oppose the Government’s motion. In response to the

Court's order, Plaintiff Value Recovery Holding LLC. states that it plans to oppose the Government's motion.

Respectfully submitted,

s/ James C. Fontana

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Dated: May 9, 2018

CERTIFICATE OF SERVICE

I certify that on May 8, 2018, a true and correct copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system, which will send notifications to all counsel of record in this matter who are registered with the Court's CM/ECF system.

/s/ James C. Fontana
James C. Fontana